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10/786,509	02/25/2004	Bradley A. Rose	WMS-039	3991

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EXAMINER	
HUFFMAN, BRIAN GEORGE	
ART UNIT	**PAPER NUMBER**
3709	

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/786,509	ROSE, BRADLEY A.	
	Examiner	Art Unit	
	Brian G. Huffman	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-22 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 25 February 2004 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 02/25/2004
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because "The present invention provides" in line 1 is an implied phrase. It should be deleted, and the abstract should read -- A method and apparatus of revealing... --.

Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 1, 12 and 22 are objected to because of the following informalities:

Re claim 1, lines 2 and 5: "on" should be changed to -- in --. The use of "on" causes confusion as to the scope of the claim because the object is understood to be a part of the image.

Re claim 1, line 6: -- of the selectable objects -- should be added after "unselected objects" to clarify which unselected objects the claim refers to and to provide proper antecedent basis.

Re claim 12, lines 3 and 8: "on" should be changed to -- in -- (see claim 1 above).

Re claim 12, line 9: -- of the selectable objects -- should be added after "unselected objects" (see claim 1 above).

Re claim 22, line 1: "medium" should be changed to -- computer readable medium -- to be in accordance with the 35 U.S.C. 101 interim guidelines (see page 53 of interim guidelines).

Re claim 22, lines 3 and 6: "on" should be changed to -- in -- (see claim 1 above).

Re claim 22, line 7: -- of the selectable objects -- should be added after "unselected objects" (see claim 1 above).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 4: the limitation "said indicia" in line 1 renders the claim indefinite as it is unclear as to whether the claim refers to the indicia of the selected object(s) or the unselected object(s).

Re claim 17: the limitation "the awards" in line 2 lacks antecedent basis as there is no previous mention of awards in claim 17 or the claim from which it depends. It should be changed to -- the indicia --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Baerlocher et al. (US 6,786,819 B2, herein "Baerlocher").

Re claim 1: Baerlocher discloses a method of conducting a wagering game, comprising: displaying a plurality of selectable objects (112) on a first display image (as depicted in Fig. 5B); selecting one or more of the selectable objects; revealing one or more indicia (106, here the value "25") associated with the selected objects; and revealing, on a second display image (as depicted in Fig. 5A), one or more indicia associated with the unselected objects (116, here the message "Return to Center Game" and the values "8," "2," "5" and "15") (see Fig. 5A and 5B; Col. 9, lines 42-46; Col. 10, lines 10-57).

Baerlocher further discloses the following:

Re claim 2: the step of displaying the plurality of selectable objects occurring in a bonus game (Col. 4-5, lines 66-1).

Re claim 3: the step of displaying the plurality of selectable objects occurring in a basic game (Col. 4-5, lines 66-1).

Re claim 4: the indicia being indicative of an award bonus marker or a trigger for another game feature (Col. 9, lines 55-58).

Re claim 5: the step of revealing the one or more indicia including revealing the indicia in proximity to the respective selected objects (Fig. 5B-5D).

Re claim 6: the second display image presenting the indicia associated with the selected objects and the indicia associated with the unselected objects (Fig. 5A; Col. 10, lines 53-57).

Re claim 7: the second display image presents a total award (16) based on the indicia associated with the selected objects (Fig. 5A; Col. 9, lines 55-58).

Re claim 8: the second display image presents the selected objects with associated indicia as a group (Fig. 5A).

Re claim 9: the second display image presents the unselected objects with associated indicia as a group (Fig. 5A).

Re claim 10: the first and second images can be presented on a common display. While Baerlocher doesn't explicitly disclose a method using a single display (30 or 32) of the device (10b) to display the two different images (as depicted by Fig. 5A and 5B), Baerlocher does teach using a single display to show two images of two different games (central game 100a as depicted in Fig. 4A, and peripheral game 102a as depicted in Fig. 5A) on a common display (Col. 9, lines 47-49). Therefore, it is believed to be an inherent teaching of the Prior Art to show the two different images (Fig. 5A and 5B) of the game on a single display.

Re claim 11: the first and second images may be presented on different displays. While Baerlocher doesn't explicitly disclose a method using both displays (30 and 32) of the device (10b) to display the two different images (as represented by Fig. 5A and 5B), it is believed to be an inherent teaching of the Prior Art to use the two displays to show the two different images (Fig. 5A and 5B) of the game.

Re claim 12: Baerlocher also discloses an apparatus for conducting a wagering game, comprising: a value input device (12,14) for receiving a wager from a player; a display (30 or 32) for presenting a plurality of selectable objects on a first display image; and a controller (38, 40, 50, 52 and 54 collectively) operative to select one or more of the selectable objects; reveal one or more indicia associated with the selected objects; and reveal, on a second display image, one or more indicia associated with the unselected objects (See Fig. 1A and 2; Col. 5, lines 17-22; Col. 6, lines 24-29).

Baerlocher further discloses the following:

Re claim 13: the display is operative to present the plurality of selectable objects during a bonus game (Col. 4-5, lines 66-1).

Re claim 14: the display is operative to present the plurality of selectable objects during a basic game (Col. 4-5, lines 66-1).

Re claim 15: the controller is operative to reveal the indicia in proximity to the respective selected objects (Fig. 5B-5D).

Re claim 16: the second display image presents the indicia associated with the selected objects and the indicia associated with the unselected objects (Fig. 5A; Col. 10, lines 53-57).

Re claim 17: the second display image presents a total award (16) based on the awards associated with the selected objects (Fig. 5A; Col. 9, lines 55-58).

Re claim 18: the second display image presents the selected objects with associated indicia in an identifiable group (Fig. 5A).

Re claim 19: the second display image presents the unselected objects with associated indicia in an identifiable group (Fig. 5A).

Re claim 20: the second display image presented on the display (as applied to claim 10).

Re claim 21: the second display image presented on a second display (as applied to claim 11).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher as applied to claim 1 above, and further in view of Kaminkow et al. (US 6,514,141 B1, herein "Kaminkow"). The teachings of Baerlocher have been discussed above.

However, Baerlocher fails to disclose the implementation of the method of claim 1 on a computer readable medium with a program.

Kaminkow teaches a method of a game allowing the user to select the value of a bonus award, implemented with a computer program stored on a computer readable medium.

Baerlocher and Kaminkow are considered to be analogous art because both inventions are from the same field of endeavor of electronic gaming devices. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method of Baerlocher by implementing it as a computer program stored on a computer readable medium as described by Kaminkow in order to allow a player to play the game on a hand-held video game device or on a desktop or laptop personal computer (Kaminkow, Col. 4, lines 61-67). Thus it would have been obvious to combine Kaminkow with Baerlocher to obtain the invention as specified in claim 22.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kaminkow (US 6,511,375 B1) discloses a gaming device having a multiple selection group bonus round. Baerlocher et al. (US 6,413,161 B1) discloses a gaming device having apparatus and method for producing an award through award elimination or replacement. Brossard (US 6,302,790 B1) discloses audio visual output for a gaming device. Hughs-Baird et al. (US 2002/0049084) discloses a gaming device having an indicator selection with probability-based outcome. Gilmore et al. (US 2005/0037836 A1) discloses a gaming machine with win multiplier feature. Dunn et al. (US 2005/0059459 A1) discloses a reveal-hide-pick-reveal video wagering game feature. Casey et al. (US 2005/0153769 A1) discloses a gaming machine having a shuffle feature and a simultaneous multiple award feature.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian G. Huffman whose telephone number is (571) 270-1348. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BGH

JONG SUK LEE
SUPERVISORY PATENT EXAMINER